

1951.



File No. Minimum
Wages II/51(N)
Legal Department.

B BRANCH

Subject:— Notifications under
the minimum wages
Act, 1948.

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File No.

Minimum Wages II/51(N)

Gen. 194

1944-B

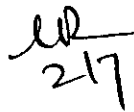
Legal Department.

Under the existing section 3(1)(a) of the Minimum Wages Act, 1948, the State Government is to fix before the 15th March 1951 the minimum rates of wages payable to employees employed in all the scheduled employments. It however appears from the Press reports (vide the Times of India, dated 8th March 1951, page 7) that the Government of India have decided to extend upto 15th March 1952 the time limit for the States to fix minimum wages. The Labour and Housing Department should ~~xxx~~ consider in the circumstances whether it is necessary to issue the proposed notification.

Id/_J.R.D. 10/3
Secretary to Government.

U.R. to L. & H.D., No.4008, dated the 10th March
1951.

BKS. 28/6/ 4c.


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Office of the R.L.A.

Two revised draft notifications are sent herewith.

2. The observations made in the R.L.A.'s opinion No. 9460, dated the 15th June 1951 would equally apply to this case as the Government had appointed a Committee under section 5 of the Minimum Wages Act, 1948 to hold enquiries and advise Government in fixing the minimum rates of wages.

3. A second notification is necessary for the reasons given in sub-para (ii) of R.L.A.'s Opinion No. 9460, dated the 15th June 1951.

4. It appears from the descriptions of Zones given in the Explanation to the draft notification that Zones II, III, IV are to consist of area of cities and towns specified therein. The area of "Poona", or "Belgaum" should be clearly defined. Otherwise it may mean also the area "Poona Taluka" or "Poona District" or "Belgaum Taluka" or "Belgaum District". The Labour and Housing Department may make its intentions clear by adding the word "city" or "town" or "Taluka" whatever is intended.

Id/-J.R.D.

30/6

Remembrancer of Legal Affairs.

U.R. to L. & H.D. No. 10495 ,dated the

2nd July 1951.

BKS. 28/6/ 4c.

Office of the R.L.A.

A revised draft notification in place of the Labour and Housing Department draft at page 97 ante is sent herewith subject to the following observations:-

(1) It is proposed by the Labour and Housing Department to call for objections or suggestions from the persons likely to be affected by the notification as the date for fixation of minimum wages is extended to 31st March 1952. The proposal would be inconsistent with the provisions of section 5 of the Act. Under section 5 two alternative methods are provided for fixing the minimum rates of wages in respect of any Scheduled employment for the first time. One is to appoint a Committee to hold inquiries and advise the State Government for fixing the minimum rates of wages. The second is to publish the proposal of the minimum rates of wages for the information of persons likely to be affected thereby and then to issue a final notification after ~~ix~~ the expiry of the period of two months. In the case under consideration the Government have elected to follow the first alternative and has accordingly appointed a Committee under Government Resolution, L.& H.D. No.146/48, dated the 25th May 1950. Sub-section (2) of section 5 of the Act provides that after considering the advice of the Committee appointed under clause (a) of sub-section (1) the appropriate Government shall, by notification in the Official Gazette, fix the minimum rates of wages in respect of each scheduled employment and unless such notification otherwise provides, it shall come into force on the expiry of 3 months from the date of its issue. The date of the issue of the notification will be the date on which Government proposes to issue notification fixing the minimum rates of wages. No preliminary notification is contemplated when the first alternative is followed as the notification to be issued after the receipt of the report of the

Committee may state the period longer than 3 months for the bringing into operation the minimum rates of wages or where no such period longer than 3 months is fixed the notification will come into force on the expiry of 3 months from the date of its issue. The procedure of preliminary notification appears to have been ruled out by the provisions of sub-section (2) of section 5 of the Act. It would also be against the spirit of the provisions of sub-section (2) of section 5 to submit recommendation of the Committee, which were made after inquiries, for the public criticism which can only be done where the Government of its own accord fixes the minimum wages under clause (b) of sub-section (1) of section 5 of the Act. There is, however, no objection to adding a second paragraph in as in the draft.

(ii) The L.& H.D. has also inserted Note II in the draft notification to the effect that the provisions of this Act shall not apply to certain classes of employees. The said exemption cannot legally be given under a notification to be issued under section 3 of the Act. Section 26 of the Act contains a specific provision for the purpose. It is, therefore, necessary to exempt all or any classes of employees in any mill by a notification issued under sub-section (2) of section 26 of the Act. A separate draft notification for the purpose is sent herewith.

Id/-J.R.D.

15/6

Remembrancer of Legal Affairs.

U.R. to L.& H.D. No. 9460, dated the 15th June 1951.

BKS. 28/6
4c.

Office of the R.L.A.

The draft notification prepared by Secretary, Labour and Housing Department is not in order for the following reasons :-

Sections 3(1) of the Minimum Wages Act provides that the appropriate Government shall, in the manner hereinafter provided, fix the minimum rates payable to ~~maxi~~ employees employed in all scheduled employments before the period specified therein. It, however, appears from section 5 of the Act that a special procedure is to be followed when the minimum rates of wages in respect of scheduled employments are to be fixed for the first time. The procedure is either to appoint a committee to hold inquiries and advise Government as regards the rates of minimum wages or to publish the proposal for the information of persons likely to be affected thereby and to call for objections and suggestions. In the case under consideration, it is proposed by the Labour and Housing Department to adopt the minimum rates of wages approved in the case of employment of stone breaking and stone crushing carried on by industries in the State of Bombay. There is no legal ~~an~~ objection to adopting those rates. It is, however, necessary to publish the same rates for the information of persons likely to be affected thereby as required by clause (b) of sub-section (1) of section 5 of the Act, and after the expiry of two months to publish a final notification as contemplated by section 5(2)(b) of the Act. In this notification the date of the coming into force should be specified as required by section 5(2)(b).

Two revised notifications one calling for objections and suggestions and the other for final publication are sent herewith.

Id/-J.R.D. 24/2
Remembrancer of Legal Affairs.

U.R. to L. & H.D., No.20557, dated the 24th December 1951.

BKS. 28/6/ 4c.